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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,946	07/07/2003	Norbert Fassler	P68969US0	6640

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EXAMINER

PICO, ERIC E

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/612,946

Applicant(s)

FASSLER, NORBERT

Examiner

Eric Pico

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-9, 11-13, 15-22 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17, 18 and 27 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11-13, 15, 16, 19-21, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cable attached to a building claimed in claims 22 and 27 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim(s) 1-4, 6-13, 15, 16, and 19-21 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Kritzer U.S. Patent No. 6382358 in view of Fitzroy U.S. Patent No. 289905.

4. **Regarding claim 1**, Kritzer discloses a device for storing vehicles, the device comprising platforms, referred to as lifting carriage 7, at least one guide, referred to as upright columns or posts 5, for guiding the platforms 7 over a path traverse to the platforms 7, a lifting device, referred to as actuator 11, for moving the platforms 7 along the traverse path, a safety device, referred to as safety lock device 1, acting independently of the lifting device 11 for securing the platforms 7 against undesired movement and for preventing movement of the platforms 7, the safety device 1 including a locking unit, referred to as ratchet lock mechanism 40, and a locking element, referred to as ratchet track 45, for preventing any unintentional movement of the platforms 7, an opening element formed of a cable 61, the locking unit 40 being rotatably mounted on the platform 7 about a rotational axis, referred to as pivot pin 49, and being freely rotatable with a center of gravity of the locking unit 40 being located off-center from the rotational axis 49.

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5. Kritzer is silent concerning the locking unit including two deflection rollers, and an opening element formed of a cable or chain guided around the two deflection rollers and the locking unit tends to move towards a continuous active connection with the locking element by the force of gravity as long as there is an absence of power acting against gravity applied to locking unit.

6. Fitzroy teaches a locking unit, referred to as lever E, including two deflection rollers, referred to as sheaves b, c, and an opening element formed of a chain H guided around the two deflection rollers b, c and the locking unit E tends to move towards a continuous active connection with a locking element, referred to as ratchets D, by the force of gravity as long as there is an absence of power acting against gravity applied to locking unit E.

7. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the locking unit disclosed by Kritzer in continuous active connection with the locking element by gravity as taught by Fitzroy to facilitate a simple connection between the locking unit and the locking element.

8. **Regarding claim 2**, Kritzer further discloses the safety device 1 secures the platforms 7 against undesired downward movement.

9. **Regarding claim 3**, Kritzer further discloses the safety device 1 is arranged along the traverse path of the platforms 7 against the guides 5 to interrupt the movement of the platforms 7.

10. **Regarding claim 4**, Kritzer further discloses locking element 45 is arranged on at least one of the guides 5.

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11. **Regarding claim 6**, Kritzer further discloses the locking element 45 includes a gear rack.

12. **Regarding claim 7**, Kritzer further discloses a notch, referred to as pawl 47, is provided as the locking unit 40.

13. **Regarding claim 8**, Kritzer further discloses a side of the notch 47 facing the locking element 56 has a tooth, shown in Figures 2, 4, and 5, designed to positively engage and interlock into each indentation of the gear rack along the traverse path of the platforms 7.

14. **Regarding claim 9**, Kritzer further discloses the locking unit 40 is held in a position by a power element, referred to as spring 51 as well as the force of gravity acting between pawl 47 and safety lock blocks 43, embracing the opening element, referred to as release bar 53, acting against an effective direction of the power element, and which is activated only when the platforms are moved along the guides 5.

15. **Regarding claim 10**, Kritzer further discloses the locking unit 40 includes an opening element 53.

16. **Regarding claim 11**, Kritzer further discloses the lifting device cooperates with the opening element 53 in such a way that the actuating of the opening element 53 embraced by the locking unit 40, is blocked, due to fail-safe mechanism 41.

17. **Regarding claim 12**, Kritzer further discloses the locking unit 40 is in the continuous active connection with the locking element 45 and has the opening element 53 for opening the active connection.

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18. **Regarding claim 13**, Kritzer further discloses power which is effective against the power element is brought by the cable 61 into the locking unit 40.

19. **Regarding claim 15**, Kritzer further discloses the opening element 53 acts through the cable 61 on the locking unit 40 and to remove the active connection with the locking element 45.

20. **Regarding claim 16**, Kritzer is silent concerning two deflection rollers guide the cable in a shape of an "S".

21. Fitzroy teaches two deflection rollers b, c guide a cable H in a shape of an "S".

22. It would have been obvious to one of ordinary skill in the art at the time of the invention to include two deflection rollers for guiding a cable in a shape of an "S" as taught by Fitzroy to the locking unit disclosed by Kritzer to guide a cable to a desired location.

23. **Regarding claim 19**, Kritzer further discloses the cable, referred to as lifting chain 9, runs along the traverse path of the platforms 7 over the deflection rollers, referred to as sprocket 37.

24. **Regarding claim 20**, Kritzer further discloses an actuating element 61 is provided for actuating the opening element 53 arranged in such a way that an operator actuates the actuating element 61.

25. **Regarding claim 21**, Kritzer further discloses the locking unit 40 releases the platforms 7 only when the actuating element 61 is actuated.

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26. Claim(s) 25 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Kritzer U.S. Patent No. 6382358 in view of Fitzroy U.S. Patent No. 289905 as applied to claim 1 above, and further in view of Green U.S. Patent No. 5967443.

27. **Regarding claim 25**, Kritzer is silent concerning a centrifugal break.

28. Green teaches the use of a centrifugal brake to achieve a steady and often readily determinable, speed of rotation, or to limit the speed of rotation below a level that is considered to be safe in the relevant circumstances.

29. It would have been obvious to one of the ordinary skill in the art to include a centrifugal brake as taught by Green to the locking unit disclosed by Kritzer to facilitate safety incase the platform deviates from the normal traverse speed.

30. Claim(s) 26 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Kritzer U.S. Patent No. 6382358 in view of Fitzroy U.S. Patent No. 289905 as applied to claim 1 above, and further in view of Fang et al. GB Publication No. 2285035.

31. **Regarding claim 26**, Kritzer is silent concerning the safety device is brought into active connection by magnetic forces.

32. Fang et al. teaches a safety device brought into active connection by magnetic forces, provided by a solenoid.

33. It would have been obvious to one of ordinary skill in the art at the time of the invention to bring the safety means disclosed by Kritzer into active connection by magnetic forces as taught by Fang et al. to facilitate the connection of the safety means.

***Allowable Subject Matter***



34. Claim 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

35. Claims 17, 18, and 27 allowed.

### ***Response to Arguments***

36. Applicant's arguments filed 07/31/2006 have been fully considered but they are not persuasive.

37. In response to applicant's argument that "none of the mentioned solutions shows a safety device which works independently from the lifting or moving means" and "in Kritzer the safety device depends directly on the lifting means" the release cable 61 in Kritzer is provided so the safety device is capable of working independently from the lifting or moving means.

### ***Conclusion***

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589.

The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP

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